



# Smoke Free Housing

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# Smoke Free Housing is happening globally

- Smoke free multi-unit housing (MUH) buildings in the US:
  - Over 230 housing authorities
  - Thousands of market-rate buildings
- Many states/countries/provinces/regions have at least one smoke-free housing program
  - 37 states and 5 countries



# Why Smoke Free Housing

- 27.6% of Iowa households are renter-occupied  
(U.S. Census, 2010)
- Many members of priority populations live in MUH
- Many people under the age of 30 and over the age of 65 live in MUH
- People in MUH cannot control their environment
- There are often few options for people to move if they are unhappy with their situation



# How Does Secondhand Smoke affect MUH?

- ◉ **SENIORS AND CHILDREN** are at a higher risk for certain chronic diseases. Secondhand smoke exposure can cause bronchitis, pneumonia and ear infections
- ◉ **SOCIAL JUSTICE:** Exposure tends to be high for persons with low incomes: 60.5% of persons living below the poverty level in the US were exposed to secondhand smoke in 2007–2008  
(Centers for Disease Control & Prevention)
- ◉ **A HEALTHIER NEIGHBORHOOD:** A smoke-free policy protects all residents from the health risks associated with involuntary exposure to secondhand smoke



# The Case for Smoke Free Housing

Property Damage  
Caused by Smoking



# Reduce Cleaning Costs

- Residue and stains on walls, curtains, cabinets, blinds, appliances, and fixtures
- Odor in carpets, curtains, and walls
- Burn damage to tiles, carpets, curtains, countertops, bathtubs
- The cost of cleaning a unit that has been smoked in is often 2-3 times more than a smoke-free unit



	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
<b>Total</b>	<b>\$560</b>	<b>\$1,810</b>	<b>\$3,515</b>

Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected & reported by Smoke-Free Housing New England, 2009. This information is courtesy of the National Center of Healthy Housing.

# Property Damage Caused by Smoking





# Thirdhand Smoke

- Chemicals that absorb into surfaces eventually break down and desorb back into the air
- Residue can continue to damage property, even after the smoker moves out, and can be picked up when people touch surfaces



# Smoking Is A Fire Hazard

- An estimated 7,600 smoking-related fires in residential buildings occur each year in the United States.  
<http://www.usfa.fema.gov/statistics/reports/smoking.shtm>
- While smoking-related fires account for only 2 percent of all residential building fires, they are the leading cause of fire deaths, accounting for **17 percent** of fire deaths in residential buildings.
- Apartments account for a larger share of smoking-related fires than other residential fires (FEMA, Sept. 2010)
- Although “fire safe” cigarettes are now sold across the country, they cannot fully prevent fires



# Smoking is a Fire Hazard

- The fatality rate of cigarette-related fires is 8x greater than other fires; the injury rate is 3x greater
- Almost 95% of cigarette-related fires occur outside of a trash can
- Cigarette-related fires are usually started in combination with a careless act
- Damage is done by the flames, the smoke, and the water from sprinklers



# Legal Topics Related to Smoke Free Housing

- Iowa Smoke Free Air Act



Smoking is prohibited in rental apartment building common areas; including reception areas, lobbies, hallways, laundries, elevators, and stairways.

Smoking is also prohibited in enclosed places of employment, such as a rental office.

[http://www.iowasmokefreeair.gov/common/pdf/facts/saa\\_multiunit.pdf](http://www.iowasmokefreeair.gov/common/pdf/facts/saa_multiunit.pdf)



# Legal Topics Related to Smoke Free Housing

- No federal law prohibits designation of an entire rental apartment building as smoke-free
- Letters from Housing and Urban Development officials stating that smoke-free policies can be instituted.  
<http://www.hud.gov/offices/pih/publications/notices/09/pih2009-21.pdf>
- Americans with Disabilities Act, Rehabilitation Act and **Fair Housing Act** could be used by tenants with disabilities to reduce or eliminate exposure to secondhand smoke. <http://www.s-fhc.com/FairHousingAct.htm>



# Surgeon General

- In 2009, Surgeon General announced a Call to Action to Promote Healthy Homes –
  - The risk for exposure extends beyond the immediate family. Smokers living in multifamily residences (such as apartment and condominium complexes) can affect not only family members, but other residents as well.

<http://www.surgeongeneral.gov/library/calls/healthyhomes/index.html>



# It is not discriminatory to designate an entire building or property smoke free

- Smoking is not a protected activity or right.  
[http://www.hcd.ca.gov/codes/rt/B\\_ThereIsNoConstitutionalRighttoSmoke\\_CA\\_4\\_05.pdf](http://www.hcd.ca.gov/codes/rt/B_ThereIsNoConstitutionalRighttoSmoke_CA_4_05.pdf)
- An individual's status as a smoker is not a protected category (race, ethnicity, national origin, etc.), or a recognized disability.
- An individual's addiction to nicotine is not recognized as a disability

**Recommendation:** Implement policy based on activity (smoking) and not individual's status.



# Legal Risks of Allowing Smoking

- Legal risks if the property is designated as smoking-permitted and smoke transfers to another apartment?

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1931463/>

- Violation of warranty of habitability, trespass, or nuisance which could result in rent abatement or judicial termination of leases
- Accommodation actions under the Federal Fair Housing Act requiring reasonable accommodation in housing for individuals with a disability
- Growing likelihood of suits based on the landlord negligence or failure of duty to warn





# Legal Liabilities of Going Smoke Free

What are a landlord's liabilities if the building is designated smoke-free and someone gets ill from another tenant smoking in violation of the policy?

- **No cases** have found landlord liable for not ensuring smoke-free environment
- Smoke-free lease addendum language should state that landlord will use best effort to provide smoke-free environment,
- Landlord needs tenants' assistance in enforcing the policy





# The Case for Smoke Free Housing

## The Market Demand for Smoke Free Housing

# Renters want Smoke Free Housing

- Central Iowa Tobacco-Free Partnership – American Lung Association of Iowa carried out renter's research for central Iowa in 2011.  
<http://www.tobaccofreepartnership.com/pdf/IowaRentSmokeReport.pdf>
- 77.5% of respondents said they would choose a smoke free apartment building
- 72% indicated exposure to secondhand smoke is personally bothersome.
- 82% agreed that exposure to secondhand smoke presents a serious health risk.



# Benefits of Going Smoke Free

- ◉ Market advantages
- ◉ Reduced cleaning costs
- ◉ Reduced risk of fire damage and death
- ◉ Reduced legal liability
- ◉ Reduced numbers of complaints about secondhand smoke infiltration in units
- ◉ Eliminates cost of sealing and ventilation treatments
- ◉ Healthier renters!
- ◉ Happier renters!



# Consider Adopting a Smoke Free Policy

- Smoke-free policies have many benefits
- Many buildings in our region are going smoke free
- Renters are looking for smoke-free buildings
- **Our program is here to help**  
**<http://smoke-freehomes.iowa.gov/>**



# Survey Your Residents

- Find out how many residents smoke in their apartment unit
  - Not all households with smokers allow smoking inside
  - Some nonsmokers may allow guests to smoke
- We have sample surveys and letters to send to residents
- A survey serves two purposes
  - Gathers information
  - Alerts residents that change may be ahead



*Click below to start breathing easier.*



**Tenants**



**Find a Smoke-Free  
Building Near You**



**Property Managers**

# When You Decide to Adopt a Smoke Free Policy

- Set the policy details
  - Timeline
  - Policy coverage
    - What are your state's laws regarding common areas?
  - Notification of residents
  - How policy will be phased in





# Set a Quit Date

- Set a **time frame** for implementing the new policy
- **Notify residents** of your reasons for going smoke free
- Inform them that at that time they will need to abide by the new policy if they wish to remain in the building
- Renew leases using the **Model Smoke-Free Lease Addendum** or other comparable smoke-free policy
- Initiate all new leases with the smoke-free lease language
- We can offer **presentations** to your residents to explain the importance of smoke-free housing



# Determine Incentives

- ◉ Whether to offer incentives and the type of incentives differ from building to building
- ◉ Offer residents an incentive to sign the smoke-free policy early
  - ◉ Free use of a community room
  - ◉ Free or prime parking space for a month
  - ◉ Refreshments in the rental office
- ◉ Consider offering the option for smoking residents to move to another building in the complex

# Post Signs and Remind Residents of Policy

- Send out an announcement to residents a few days prior to the policy going into effect
- Post signs at the entrances to the buildings and anywhere else on the property where you want to ensure that no smoking occurs
- Signs and window clings are available from our office



# Advertise Your Policy

- Renters are looking for smoke-free buildings
- Advertising that your building is smoke free will make it stand out to tenants searching for somewhere to live
- List it on our online Registry of smoke-free apartment buildings



**Smoke-Free Properties!**



Now Renting!

Smoke-Free  
Apartments



Smoke-Free Homes

# Policy Enforcement

- Smoke-free policies are largely self-enforcing
- Ensure that the lease language prohibits smoking and specifies that it is a violation of the lease to smoke in case an eviction becomes necessary
- Document violations and get witnesses who would be able to testify to incidents of smoking
- **Enforce a smoke-free policy the way you'd enforce other policy or lease violations** (ie, documented warnings and possible eventual termination)



# Provide Cessation Information

- ◉ Knowing about tobacco addiction is key to understanding potential opposition and the lives that you may be affecting
- ◉ Providing cessation resources can help you alleviate fears of residents and managers
  - ◉ Residents will not be kicked out of their housing; they will just have to abide by the policy
  - ◉ Managers will be able to enforce a policy
  - ◉ Everyone will be treated with respect and be able to live in a healthy environment



# Provide Cessation Information



- Quitline Iowa is a free smoking cessation program for all Iowans
- A Quit Coach® will help callers become an expert in living without tobacco using "The 4 Essential Practices to Quit For Life," principles based on 25 years of research and experience helping people quit tobacco.





# Resources

- Quitline Iowa  
[www.quitlineiowa.org](http://www.quitlineiowa.org)



- Tobacco Free Nebraska  
[http://dhhs.ne.gov/PublicHealth/pages/tfn\\_ces.aspx](http://dhhs.ne.gov/PublicHealth/pages/tfn_ces.aspx)



- Smoke-Free Homes in Iowa  
<http://smoke-freehomes.iowa.gov/>



- Live Smoke Free  
<http://mnsmokefreehousing.org/education/index.html>



# Thank You!

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